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Report of the International Criminal Court

Argentina, Australia, Austria, Belgium, Benin, Brazil, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Ghana, Greece, Hungary, Ireland, Italy, Jordan, Kenya, Liechtenstein, Luxembourg, Malta, Mexico, Netherlands, New Zealand, Nigeria, Norway, Peru, Poland, Portugal, Republic of Korea, Romania, San Marino, Slovakia, Slovenia, Spain, Sweden, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania and Venezuela (Bolivarian Republic of): draft resolution

Report of the International Criminal Court

The General Assembly,

Recalling its resolution 62/12 of 26 November 2007, and all its previous relevant resolutions,

Recalling also that the Rome Statute of the International Criminal Court[1] reaffirms the purposes and principles of the Charter of the United Nations,

Reiterating the historic significance of the adoption of the Rome Statute and its tenth anniversary, which was celebrated on 17 July 2008,

Emphasizing that justice, especially transitional justice in conflict and post-conflict societies, is a fundamental building block of sustainable peace,

Convinced that ending impunity is essential if a society in conflict or recovering from conflict is to come to terms with past abuses committed against civilians affected by armed conflict and to prevent future such abuses,

Noting with satisfaction the fact that the International Criminal Court has achieved considerable progress in its analyses, investigations and judicial proceedings in various situations and cases which were referred to it by States parties to the Rome Statute and by the Security Council, in accordance with the Rome Statute,

[1] United Nations, *Treaty Series*, vol. 2187, No. 38544.

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Recalling that effective and comprehensive cooperation and assistance in all aspects of its mandate by States, the United Nations and other international and regional organizations remains essential for the International Criminal Court to carry out its activities,

Expressing its appreciation to the Secretary-General for providing effective and efficient assistance to the International Criminal Court in accordance with the Relationship Agreement between the United Nations and the International Criminal Court ("Relationship Agreement"),[2]

Acknowledging the Relationship Agreement as approved by the General Assembly in its resolution 58/318 of 13 September 2004, including paragraph 3 of the resolution with respect to the payment in full of expenses accruing to the United Nations as a result of the implementation of the Relationship Agreement,[3] which provides a framework for continued cooperation between the Court and the United Nations, which could include the facilitation by the United Nations of the Court's field activities, and encouraging the conclusion of supplementary arrangements and agreements, as necessary,

Welcoming the continuous support given by civil society to the International Criminal Court,

Recognizing the role of the International Criminal Court in a multilateral system that aims to end impunity, establish the rule of law, promote and encourage respect for human rights and achieve sustainable peace, in accordance with international law and the purposes and principles of the Charter,

Expressing its appreciation to the International Criminal Court for providing assistance to the Special Court for Sierra Leone,

1. *Welcomes* the report of the International Criminal Court for 2007/08;[4]

2. *Welcomes* the States that have become parties to the Rome Statute of the International Criminal Court[1] in the past year, and calls upon all States in all regions of the world that are not yet parties to the Rome Statute to consider ratifying or acceding to it without delay;

3. *Welcomes* the States parties as well as States not parties to the Rome Statute that have become parties to the Agreement on the Privileges and Immunities of the International Criminal Court,[5] and calls upon all States that have not yet done so to consider becoming parties to that Agreement;

4. *Calls upon* States parties to the Rome Statute that have not yet done so to adopt national legislation to implement obligations emanating from the Rome Statute and to cooperate with the International Criminal Court in the exercise of its functions, and recalls the provision of technical assistance by States parties in this respect;

5. *Welcomes* the cooperation and assistance provided thus far to the International Criminal Court by States parties as well as States not parties, the

[2] See A/58/874 and Add.1.

[3] Articles 10 and 13 of the Relationship Agreement.

[4] See A/63/323.

[5] United Nations, *Treaty Series*, vol. 2271, No. 40446.

United Nations and other international and regional organizations, and calls upon those States that are under an obligation to cooperate to provide such cooperation and assistance in the future, in particular with regard to arrest and surrender, the provision of evidence, the protection and relocation of victims and witnesses and the enforcement of sentences;

6. *Emphasizes* the importance of cooperation with States that are not parties to the Rome Statute;

7. *Invites* regional organizations to consider concluding cooperation agreements with the International Criminal Court;

8. *Recalls* that, by virtue of article 12, paragraph 3, of the Rome Statute, a State which is not a party to the Statute may, by declaration lodged with the Registrar of the International Criminal Court, accept the exercise of jurisdiction by the Court with respect to specific crimes that are mentioned in paragraph 2 of that article;

9. *Encourages* all States parties to take the interests, needs for assistance and mandate of the International Criminal Court into account when relevant matters are being discussed in the United Nations;

10. *Emphasizes* the importance of the full implementation of the Relationship Agreement,[2] which forms a framework for close cooperation between the two organizations and for consultation on matters of mutual interest pursuant to the provisions of that Agreement and in conformity with the respective provisions of the Charter of the United Nations and the Rome Statute, as well as the need for the Secretary-General to inform the General Assembly at its sixty-fourth session on the expenses incurred and reimbursements received by the United Nations in connection with assistance provided to the International Criminal Court;

11. *Notes* the fact that the International Criminal Court liaison office to United Nations Headquarters is now fully operational, and encourages the Secretary-General to continue to work closely with that office;

12. *Encourages* States to contribute to the Trust Fund established for the benefit of victims of crimes within the jurisdiction of the International Criminal Court and the families of such victims, and acknowledges with appreciation contributions made to that Trust Fund thus far;

13. *Notes* the work of the Special Working Group on the Crime of Aggression, which is open to all States on an equal footing, and encourages all States to consider participating actively in the Working Group with a view to elaborating proposals for a provision on the crime of aggression, in accordance with article 123 of the Rome Statute;

14. *Notes* that the Review Conference to be held in 2009 may provide an opportunity to address issues, in addition to those relating to the possible definition of the crime of aggression, that have been identified by States, including States that are not parties to the Rome Statute;

15. *Takes note* of the decision of the Assembly of States Parties to the Rome Statute at its sixth session, while recalling that, according to article 112, paragraph 6, of the Rome Statute, the Assembly of States Parties shall meet at the

seat of the International Criminal Court or at United Nations Headquarters, to hold its seventh session at The Hague, looks forward to the seventh session of the Assembly of States Parties, which is to be held at The Hague from 14 to 22 November 2008, as well as to the resumed seventh session, which is to be held in New York from 19 to 23 January 2009 and from 9 to 13 February 2009, and requests the Secretary-General to provide the necessary services and facilities in accordance with the Relationship Agreement and resolution 58/318;

16. *Encourages* the widest possible participation of States in those Assemblies of States Parties, invites States to contribute to the Trust Fund for the participation of the least developed countries, and acknowledges with appreciation contributions made to that Trust Fund thus far;

17. *Invites* the International Criminal Court to submit, in accordance with article 6 of the Relationship Agreement, a report on its activities for 2008/09, for consideration by the General Assembly at its sixty-fourth session.